

REMARKS

This response is submitted in reply to the Final Office Action dated March 9, 2006. Claims 1-32 are pending in the application. Claims 1, 9, 16 and 23 have been amended. No new matter has been added by any of the amendments made herein. A Request for Continued Examination is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Claims 1-7, 9-14, 16-21 and 23-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,737,481 to Gushima et al. ("Gushima") in view of U.S. Patent No. 4,591,931 to Baumeister ("Baumeister") in further view of U.S. Patent No. 5,781,435 to Holroyd et al. ("Holroyd"). Claims 8, 15, 22 and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gushima in view of Baumeister in view of Holroyd in further view of U.S. Patent No. 5,949,953 to Shirakawa et al. ("Shirakawa").

The Patent Office primarily relies on Gushima, and thus relies on Baumeister, Holroyd and Shirakawa to remedy the deficiencies of Gushima. Applicant respectfully disagrees.

Amended claim 1 relates to a recording apparatus including recording means for recording a first data set in a recording medium. The apparatus also includes input means to designate a file name corresponding to a start point and an end point of a desired second continuous data set. The second continuous data set is a subset of the first data set to be recorded in or already recorded in the recording medium by the recording means. The second continuous data includes all of the first data set recorded in the recording medium between a start time associated with the start point and an end time associated with the end point. The input means allows input of a file name information signal designated by a user, and further allows input of a time code information signal. The apparatus also includes control means, for controlling the recording means so as to endlessly-record and re-record a non-designated portion of the first data in the recording medium which excludes the designated second continuous data set, such that the recording means endlessly records data in the recording medium in the non-designated portion while preserving the designated second continuous data set.

Gushima discloses an information recording method for video or audio that includes a buffer memory and a disk. A buffer memory can be utilized to temporarily store the input data for a predetermined period, in an attempt to avoid loss of data during an emergency condition. The buffer is allowed to fill up and then a portion of the buffer space (even as opposed to odd

pixels) is selectively over-written. The Office Action appears to argue that the odd pixels which are not overwritten are the second continuous data. However, the odd pixels cannot be the second continuous data of Claim 1 because the odd pixels do not include all of the first data set recorded in the recording medium between a start time associated with the start point and an end time associated with the end point. The even pixels, which are overwritten, are recorded at the same time as the odd pixels. Accordingly, Gushima does not teach or suggest each of the second continuous data in Claim 1.

Baumeister is relied on for the purported teaching of input means for allowing a user to designate a file name corresponding to a start point and an end point of a desired data set. However, like Gushima, Baumeister does not teach or suggest each of the second continuous data in Claim 1.

Holroyd is primarily relied on for the purported teaching of an input means allowing input of a time code information signal. However, like Gushima and Baumeister, Holroyd does not teach or suggest each of the second continuous data in Claim 1.

For at least these reasons, Claim 1 and Claims 2-8 and 30, which depend from Claim 1, are each patentably distinguished over Gushima in view of Baumeister in further view of Holroyd and are in condition for allowance. For similar reasons, Claims 9, 16 and 23 and Claims 10-15, which depend from Claim 9, Claims 17-22 and 31, which depend from Claim 16, and Claims 24-29 and 32, which depend from Claim 23, are each patentably distinguished over Gushima in view of Baumeister in further view of Holroyd and are in condition for allowance.

Shirakawa is primarily relied on for the purported teaching of wherein the assisting data comprises a head address. However, like Gushima, Baumeister and Holroyd, Shirakawa does not teach or suggest each of the second continuous data in Claim 1.


For at least these reasons, Claim 1 and Claims 2-8 and 30, which depend from Claim 1, are each patentably distinguished over Gushima in view of Baumeister in view of Holroyd in further view of Shirakawa and are in condition for allowance. For similar reasons, Claims 9, 16 and 23 and Claims 10-15, which depend from Claim 9, Claims 17-22 and 31, which depend from Claim 16, and Claims 24-29 and 32, which depend from Claim 23, are each patentably distinguished over Gushima in view of Baumeister in view of Holroyd in further view of Shirakawa and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance, and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: June 8, 2006